

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

August 10, 2010

DIVISION ONE

B218890 People (Not for Publication)
v.
Diaz

The judgment is affirmed.

Johnson, J.

We concur: Rothschild, Acting P.J.
 Chaney, J.

B216516 People (Not for Publication)
v.
Iniquez

The judgment is affirmed.

Chaney, J.

We concur: Mallano, P.J.
 Johnson, J.

B217057 Kin (Not for Publication)
v.
Kin

The judgment is affirmed. Respondent shall recover his costs of appeal.

Rothschild, J.

We concur: Mallano, P.J.
 Johnson, J.

August 10, 2010 (Continued)

DIVISION TWO

[illegible]

The order appealed from is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Chavez, J.

DIVISION THREE

Court convened at 1:30 p.m.

Present: Klein, P.J., Croskey, J., Kitching, J. and Zaida G. Clayton, Deputy Clerk.

B221249 Izzet Uzyel, et al.
v.
Neil Kadisha

Merits:
Argued by Rex S. Heinke for appellants and by Miriam Vogel for respondent. Cause submitted.

Court adjourned.

B221763 Los Angeles County, D.C.F.S. (Not for Publication)
v.
E.D.

The order is affirmed.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION THREE (continued)

B220798 Los Angeles County, D.C.F.S. (Not for Publication)
v.
S.T.

The jurisdictional and dispositional order dated December 2, 2009, is affirmed.

Kitching, J.

We concur: Klein, P.J.
 Croskey, J.

B211748 Andre, et al. (Not for Publication)
v.
The Regents of the University of California

The judgments are affirmed. Costs on appeal are awarded to defendant Regents of the University of California.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

B217655 Cassese, et al. (Not for Publication)
v.
Fox Broadcasting Company, et al.

The order of dismissal is affirmed with respect to Fox and with respect to the breach of confidence, unfair competition, and unjust enrichment causes of action against 19 Entertainment and DCP. The order of dismissal is reversed with respect to the breach of implied contract cause of action against 19 Entertainment and DCP. No costs are awarded on appeal.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

DIVISION THREE (continued)

B210701 Brown (Certified for Partial Publication)
B215380 v.
Wilson
Dawn Clark-Johnson, et al.

The trial court's order awarding costs of proof is reversed. The matter is remanded to the trial court with directions to vacate its order granting costs of proof and to enter a new and different order: (1) denying the motion for costs of proof against Attorney Clark-Johnson and Attorney Lewellyn; (2) denying the motion for costs of proof against Brown with respect to requests for admission pertaining to lack of capacity; and (3) granting the motion for costs of proof against Brown with respect to requests for admission pertaining to undue influence, lack of due execution, fraud, misrepresentation, menace, duress, and mistake; and (4) recalculating the award to include only the reasonable expenses incurred in proving the statements in those request for admission true. Wilson and Brown shall bear their own costs on appeal; Attorney Lewellyn and Attorney Clark-Johnson shall recover their costs on appeal from Wilson.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B215288 Phillips (Not for Publication)
v.
Davis, et al.

The judgment of dismissal is affirmed. Solomon Davis and Dr. Judy Hunter-Davis shall recover their costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION THREE (continued)

B217956 Soifer (Certified for Publication)

v.

Chicago Title Company, et al.

The judgment is affirmed. Chicago shall recover its costs on appeal.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B213207 People (Not for Publication)

v.

Joshua C. Brown

The judgment is modified to strike the \$80 DNA penalty assessment fine.
As modified, the judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
 Kitching, J.

B219340 People (Not for Publication)

v.

Jose Nery Lemus

The judgment is affirmed.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

August 10, 2010 (Continued)

DIVISION THREE (continued)

B213048 Lane, et al. (Not for Publication)

V.

The Regents of the University of California

The judgments are affirmed. Costs on appeal are awarded to defendant Regents of the University of California.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

B221313 People

v.

Draper

Filed order denying petition for rehearing.

B215275 LB 4 Fish LLC

V.

Developers Diversified Realty Corporation, et al.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

August 10, 2010 (Continued)

DIVISION FOUR

B215003 People v. Yates (Not for Publication)
B220636 In re Yates on Habeas Corpus

We order the judgment modified to stay the three-year term on count 4 under section 654. The superior court shall prepare an amended abstract of judgment so reflecting, which amended abstract shall also reflect a concurrent term of two years on count 3. A copy of the amended abstract shall be forwarded to the Department of Corrections and Rehabilitation. As amended, the judgment is affirmed. The petition for habeas corpus is denied.

Willhite, J.

We concur: Epstein, P.J.
Suzukawa, J.

B213264 Enayati
v.
Enayati, et al.

Filed order denying petition for rehearing.

DIVISION FIVE

Court convened at 11:05 a.m.

Present: Armstrong, Acting P.J., Kriegler, J., Kumar, J. (Assigned) and J. Belcher, Deputy Clerk.

B226377 Los Angeles Times Communications
v.
Superior Court, Los Angeles County (Tersargyan, RPI)

Merits:
Argued by Kelli Sager for petitioner and by Albert Menaster, Deputy Public Defender for real party in interest and by Fred Bennett, county counsel for respondent. Submission deferred for additional filings.

Court adjourned.

DIVISION FIVE (continued)

B207285 People (Certified for Publication)
v.
Jamie D. Cox, et al.

The judgments are modified to: reverse the Penal Code section 186.22, subdivision (b)(1)(C) enhancements imposed as to Mr. Jones, Ms. Cox and Mr. Jackson; subject Mr. Jackson to a 15-year minimum parole eligibility pursuant to section 186.22, subdivision (b)(5); impose enhancements pursuant to section 12022.53, subdivisions (b) and (c) as to all defendants and stay those enhancements pursuant to section 12022.53, subdivision (f); correct the presentence custody credits of all defendants as set forth above. Upon remittitur issuance, the superior court clerk shall prepare amended abstracts of judgments as to each defendant and forward them to the California Department of Corrections and Rehabilitation. The judgments are affirmed in all other respects.

Turner, P.J.

We concur: Armstrong, J.
Kriegler, J.

B218557 MaqGuide.Com.Inc. Not for Publication)
v.
Michael Eline

The judgment is reversed. Appellant(s) to recover costs.

Armstrong, Acting P.J.

We concur: Mosk, J.
Kriegler, J.

DIVISION SEVEN

B224357 Alexander B., et al. (Not for Publication)
v.
S.C.L.A.
Los Angeles County Dept of Children & Family Services

Because substantial evidence supports the juvenile court's order to conduct a hearing pursuant to section 366.26, the petitions are denied on the merits.

Jackson, J.

We concur: Woods, Acting P.J.
Zelon, J.

B219395 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Cristela C.

The judgment is affirmed.

Woods, Acting P.J.

We concur: Zelon, J.
Jackson, J.

B220856 Los Angeles County, D.C.F.S. (Not for Publication)
v.
C.G.

The order is affirmed.

Woods, Acting P.J.

We concur: Zelon, J.
Jackson, J.

DIVISION SEVEN (continued)

B215456 Brumer Commercial Property (Not for Publication)
v.
Young Bin Im, et al.

The judgment is reversed and remanded with directions for the trial court to vacate the judgment of August 28, 2008, and August 28, 2009, and to reinstate the judgment dated February 5, 2009, in accordance with the views expressed herein. Appellants to recover costs of appeal.

Woods, J.

We concur: Perluss, P.J.
 Jackson, J.

B209989 Patrick Nazemi (Not for Publication)
v.
Bernard Goodman, et al.

The judgment is reversed. Nazemi to recover costs on appeal.

Woods, J.

We concur: Perluss, P.J.
 Jackson, J.